

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-1296V

UNPUBLISHED

DAVID DRAPIEWSKI,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 23, 2022

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Influenza Vaccine;
Guillain-Barre Syndrome (GBS)

Jessi Carin Huff, Maglio Christopher & Toale, Seattle, WA, for Petitioner.

Nancy Tinch, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On April 30, 2021, David Drapiewski filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that he suffered from Guillain-Barré Syndrome (“GBS”) as a result of an influenza vaccination he received on November 15, 2019. Petition at ¶8, 14. Petitioner further alleges that he has suffered the residual effects of his injury for more than six months. Petition at ¶18. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 22, 2022, Respondent filed his Rule 4(c) Report and Proffer on Damages (“Rule 4/Proffer”) in which he concedes that Petitioner is entitled to compensation in this case. Respondent’s Rule 4/Proffer at 1. Specifically, Respondent

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

states that “it is Respondent’s position that Petitioner has satisfied the criteria set forth in the Vaccine Injury Table (“Table”) and the Qualifications and Aids to Interpretation (“QAI”), which afford Petitioner a presumption of causation if the onset of GBS occurs between three and forty-two days after a seasonal flu vaccination and there is no apparently alternative cause.” *Id.* at 4-5. Further, Respondent state that “the records show that the case was timely filed, that the vaccine was received in the United States, and that Petitioner satisfies the statutory severity requirement by suffering the residual effects or complications of his injury for more than six months after vaccine administration.” *Id.* at 5.

In view of Respondent’s position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master